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No. 126, Original

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In The  
Supreme Court of the United States

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DEPOSITION OF MARVIN HENRY ROBISON, PH.D

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STATE OF KANSAS,  
  
Plaintiff,  
  
v.  
  
STATE OF NEBRASKA  
  
and  
  
STATE OF COLORADO,  
Defendants.

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Tuesday, June 26, 2012  
  
1:00 p.m.

PURSUANT TO NOTICE and the Federal Rules of Civil  
Procedure, the above-entitled deposition was taken on  
behalf of Defendant State of Nebraska, at 1525 Sherman  
Street, 7th Floor, Denver, Colorado, before Katherine  
Richmond, Certified Court Reporter and Notary Public  
within Colorado.

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Joel Hamilton

2 EXAMINATION PAGE

3 June 26, 2012

4 By Mr. Blankenau 4

5 By Mr. Steinbrecher --

6 By Mr. Draper --

7  
8 EXHIBITS INITIAL REFERENCE

1 Notice of Deposition of M. Henry 4  
9 Robison and Subpoena Duces Tecum

10 2 Rebuttal Report Prepared By 5  
11 Dr. Joel R. Hamilton and  
12 Dr. M. Henry Robinson

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1 PROCEEDINGS

2 MARVIN HENRY ROBISON, PH.D,

3 being first duly sworn to tell the truth, testified as

4 follows:

5 DIRECT EXAMINATION

6 BY MR. BLANKENAU:

7 Q. Dr. Robison, could you just state your full name

8 for the record and spell your last name.

9 A. It's Marvin Henry Robison, R-O-B-I-S-O-N.

10 Q. I realize I've been mispronouncing your name. I

11 apologize.

12 A. Robison or Robison, either way.

13 (Deposition Exhibit 1 was marked)

14 Q. (By Mr. Blankenau) Dr. Robison, do you recognize

15 that document?

16 A. Yes, I do.

17 Q. What is it, please.

18 A. It's my summons to appear at this deposition --

19 Notice.

20 Q. Does it also include a Subpoena Duces Tecum? It

21 should be stated on the front.

22 A. Yes, it does.

23 Q. And that Subpoena instructs you to bring any

24 additional information or data. Did you bring any such

25 materials today?

5

1 A. No.

2 (Deposition Exhibit 2 was marked.)

3 Q. (By Mr. Blankenau) Do you recognize that

4 document, sir?

5 A. Yes.

6 Q. And what is it, please?

7 A. It is our rebuttal report by Dr. Hamilton and  
8 myself to Professor Sunding's rebuttal of our original  
9 report.

10 Q. Before we get into that report, can you tell us  
11 when you were first hired by Kansas to serve as an expert  
12 witness in this matter?

13 A. It was a little over a year ago.

14 Q. And who were you contacted by?

15 A. I was originally contacted by Dr. Hamilton.

16 Q. Originally and then by subsequent persons?

17 A. And then by Mr. Draper.

18 Q. And Mr. Draper hired you for Kansas?

19 A. Yes.

20 Q. And when was that?

21 A. It was a little over a year ago.

22 Q. I would direct your attention to Page 1 of your  
23 report, KS1161, in the opening paragraph. You were  
24 present during Dr. Hamilton's deposition, were you not?

25 A. Yes.

6

1 Q. I had him go through the report and designate  
2 which items he had written. Could you do the same thing,  
3 just go through -- you can mark it with this blue felt tip  
4 pen -- and just identify what portions you wrote, what

5 sections -- or you can simply state it, if it's easier.

6 A. Yes. My primary responsibilities were for  
7 Sections 5 and 6 but Professor Hamilton collaborated.

8 Q. On Sections 5 and 6.

9 A. Yes.

10 Q. Then again back to your opening paragraph at  
11 KS1161, you state that this rebuttal report addresses some  
12 of the issues raised by Dr. Sunding in his expert report  
13 and his deposition. Do you see that?

14 A. Yes.

15 Q. Could you, with that blue felt pen then, identify  
16 in that report which items were concerning Dr. Sunding's  
17 deposition?

18 MR. DRAPER: Is your question limited to parts of  
19 the report, 5 and 6, that he participated in?

20 MR. BLANKENAU: Yes. Thank you, Mr. Draper.

21 Q. (By Mr. Blankenau) Did you understand the  
22 request, Dr. Robison?

23 A. Yes.

24 MR. DRAPER: And, Don, are you asking him to  
25 point out the specific references that might appear in the

7

1 report to the deposition?

2 MR. BLANKENAU: Correct. It's a response, as I  
3 understand it, in Dr. Sunding's report and things he might  
4 have said in his deposition. I would like to know what  
5 items he responded to -- things not in his expert report

6 but in his deposition.

7 THE DEPONENT: I don't believe there is anything  
8 that specifically speaks to his deposition.

9 Q. (By Mr. Blankenau) In Sections 5 and 6?

10 A. Yes.

11 Q. Okay. Then when did you receive Dr. Sunding's  
12 expert report?

13 A. I can't remember the exact date. It would be  
14 approximately the date of the report.

15 Q. The date Dr. Sunding's report was issued?

16 A. Yes.

17 Q. And from whom did you receive that report?

18 A. My best recollection, it was forwarded to me from  
19 Professor Hamilton.

20 Q. Did you receive any instructions from Professor  
21 Hamilton?

22 A. I don't believe so. I don't recall.

23 Q. For clarity of the record, I will note that  
24 Professor Hamilton is Dr. Hamilton; is that correct?

25 A. Yes. I'll be more consistent -- my usage.

8

1 Q. It's quite all right. You can go either way  
2 now. We've clarified that.

3 All right. So what did you do when you received  
4 that report?

5 A. I read it.

6 Q. And you read it at the time you received it?

7 A. Yes.

8 Q. Did you take any further action at that point?

9 A. No, I don't believe so.

10 Q. Did you attend Dr. Sunding's deposition?

11 A. No, I did not.

12 Q. Did you have an opportunity to review the  
13 transcript of his deposition?

14 A. Yes, I did.

15 Q. And from whom did you receive that transcript?

16 A. I believe that was forwarded to me from  
17 Mr. Draper's office.

18 Q. Did you receive any instructions with that  
19 transcript?

20 A. Not at that time.

21 Q. But you subsequently received some instructions  
22 relative to that transcript?

23 A. I don't believe so.

24 Q. Okay. You did not participate in the previous  
25 arbitration, did you?

9

1 A. No, I didn't.

2 Q. Did you receive copies of Dr. Sunding's  
3 depositions from that prior arbitration?

4 A. I don't believe I've ever seen those.

5 Q. Did you see a copy of a transcript of  
6 Dr. Sunding's testimony at the arbitration?

7 A. I'm not sure on that.



8 Q. Prior to preparing your expert report, Exhibit 2,  
9 were you aware of the prior arbitration?

10 A. No.

11 Q. You had no idea at the time you prepared that  
12 report that an arbitration had occurred?

13 A. As I prepared this report. I misunderstood your  
14 question. Prior to this work on the current case, I  
15 wasn't aware of Dr. Sunding's work or the arbitration.

16 Q. When did you become aware of the arbitration?

17 A. That would have been at the beginning of this  
18 project, like a year and a half ago -- or a little over a  
19 year ago.

20 Q. And you are aware that Nebraska had provided  
21 expert testimony concerning the economic components of  
22 this litigation?

23 A. That would be Dr. Sunding's work.

24 Q. Correct.

25 A. I became aware of that after I started work on

10

1 this case -- the present case.

2 Q. And prior to the time of your preparation of your  
3 expert report, Exhibit 2?

4 A. No. I think it would be -- well, it was in the  
5 course -- I can't really say. It was in the course of  
6 working on the present case, though.

7 Q. Okay. When you were preparing Exhibit 2, your  
8 expert rebuttal report -- strike that.

9 When you were preparing your original expert  
10 report, did you discuss any of Nebraska's likely testimony  
11 with regard to your work?

12 A. I don't recall.

13 Q. You didn't try to anticipate what Nebraska might  
14 respond to and put that in your original report?

15 A. I don't believe so.

16 Q. Were you ever instructed to include all  
17 information that Nebraska was likely to place in its  
18 expert reports?

19 A. No. I don't believe there was any instruction  
20 like that.

21 Q. Well, then let's go to the substantive aspects of  
22 Exhibit 2, your rebuttal report.

23 Let me take you to Page 11. This is KS1171. I  
24 believe that's in Section 6 of your report; is that  
25 correct?

11

1 A. Yes, it is.

2 Q. Can you explain the concept of interregional  
3 spillovers for us -- economic spillovers?

4 A. An interregional spillover would be when there is  
5 more than one region that your analysis is focusing on --  
6 let me restate that.

7 Spillover would be when you are focused on one  
8 particular region and you're looking at an economic  
9 impact, and there is -- because of the change in that one

10 region, there is an impact that goes beyond the border and  
11 is felt in the neighboring region. So it's said to spill  
12 over from the original place where the impact started.

13 Q. Okay. Again going back to KS1171, you  
14 specifically address the Rand McNally trading areas as a  
15 basis for determining whether there are those  
16 interregional economic spillover effects.

17 Can you explain how the Rand McNally trading  
18 areas are significant?

19 A. You mean how they're formed or --

20 Q. Yeah. Why don't you start with how they're  
21 formed and why Rand McNally has some particular value.

22 A. Rand McNally looks at -- and I only know  
23 generally what they do. But they look at market areas for  
24 advertising; they look at commuting patterns; and they  
25 look at newspaper delivery areas; they look at the areas

12

1 for airports and other services; and they strive to  
2 identify closed and semiclosed economies.

3 Q. Okay. And the Rand McNally map, an example of  
4 that, is found at KS1190. That's Page 30 of your report;  
5 is that correct?

6 A. Yes.

7 Q. So similarly shaded areas in a group is what --  
8 an economic region?

9 A. That would be a -- according to the Rand McNally,  
10 that would be an area that functions as a regional

11 economy.

12 Q. And there are no spillovers outside of that

13 region or --

14 A. You would not expect to find predictable

15 spillovers beyond that region.

16 Q. Well, let me check a hypothetical and make sure I

17 got what you are saying clearly.

18 A. Can I make one modification?

19 Q. Certainly.

20 A. It might anticipate what you're going to get at.

21 There is actually a two-order hierarchy conveyed

22 in the BEA economic areas. So you have the broad red

23 boundaries. Those are large areas that include many

24 smaller subregions.

25 So, for example, you would expect if there was

13

1 a -- let's call it an economic disturbance in the --

2 somewhere in the Kearney area, the Kearney economic area,

3 it would be felt throughout that Kearney area, but then it

4 would also spill up the trade hierarchy to Omaha.

5 Q. Does Rand McNally track purchases of farm inputs

6 such as seed, fertilizer, chemicals, that kind of thing?

7 A. I don't know for sure. I'd have to say I have no

8 knowledge of that.

9 Q. Well, then using Rand McNally, as you've

10 described it, Kansas would not be in the same economic

11 zone as, say, Michigan. There would be no interregional

12 economic spillovers or predictable ones; is that correct?

13 A. Not predictable ones.

14 Q. Do people in Kansas buy cars made in Detroit?

15 A. Yes, they would.

16 Q. Would that not be predictable?

17 A. It would be predictable, but you wouldn't -- you  
18 wouldn't be correct to say that people -- because people  
19 buy cars from Detroit throughout the United States, it  
20 wouldn't be correct to say that the whole United States is  
21 in an economic region dominated by Detroit.

22 It would be correct to say that Detroit exercises  
23 some trade dominance with respect to automobiles with the  
24 entire country.

25 Q. Wouldn't that be true with any number of

14

1 products?

2 A. Yes, it would. There is the idea of trade  
3 dominance.

4 Q. All right. Well, let's take this maybe a little  
5 closer to the particular area of interest. Did you  
6 conduct any surveys to determine where residents of KBID  
7 and the residents to the neighboring areas in Nebraska go  
8 to spend money?

9 A. No.

10 Q. So you weren't able to do any independent  
11 verification of these economic regions.

12 A. No.

13 Q. You've been to the KBID region, haven't you?

14 A. I have not.

15 Q. Okay. So when Professor Hamilton indicated that  
16 he had conducted interviews with various farmers, you  
17 weren't present at those interviews; is that correct?

18 A. No, I wasn't.

19 MR. BLANKENAU: I know we're just getting warmed  
20 up, but could we take a few minutes of a break?

21 MR. DRAPER: You want ten?

22 MR. BLANKENAU: Ten would be great.

23 (Recess taken 1:18 p.m. to 1:30 p.m.)

24 Q. (By Mr. Blankenau) Dr. Robison, thank you so  
25 much for returning to us here. We really don't have a

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1 whole lot more to cover. But I did want to go back to the  
2 IMPLAN itself and make sure I understand how it  
3 functions.

4 Can you describe it for me how the coefficients  
5 and the trade flow patterns were determined?

6 A. So your question is mainly focused on the trade  
7 flows in IMPLAN.

8 Q. Yes.

9 A. In a single region IMPLAN model, like the one we  
10 employed in our analysis, IMPLAN computes what's known as  
11 a regional purchase coefficient that's very strategic to  
12 its operation. And the regional purchase coefficient  
13 estimates for each of the 450-some odd industries or

14 commodities modeled --

15 Q. And who are these people who are gathering this  
16 information?

17 A. The people who make the -- provide the IMPLAN  
18 software.

19 Q. Okay.

20 A. That was a question? They're the -- called the  
21 Minnesota IMPLAN Group. They're located -- originally  
22 they were located in Minneapolis. They've since moved  
23 across the border into Wisconsin, and they provide the  
24 software for I don't know how many users. They have many,  
25 many, many. They've been around for about probably near

16

1 20 years.

2 They're widely used by ag economists,  
3 agricultural economists. It wouldn't surprise me if they  
4 were one of their leading users.

5 Q. And you indicated that there were, if I heard you  
6 correctly, 450 sectors that they track?

7 A. Yes. They get their data from a variety of  
8 sources. The procedure they follow is -- I think it would  
9 be fair to say they're trying to follow a best practice as  
10 established in the professional literature, and  
11 accordingly they take a lot of data from the U.S.  
12 Government, the BEA, and they mix it with other local data  
13 to come up with an applied regional input-output modeling  
14 system.

15 Q. And how is this data generated, do you know?

16 A. It would be primarily data collected by the U.S.  
17 Government, and it would come from different sources. The  
18 Bureau of Economic Analysis collects a lot of it, and they  
19 rely on reports by employers for the unemployment  
20 insurance program that would indicate the wages and the  
21 number of employees and, of course, the industry name.

22 They have other data -- on proprietor's income,  
23 for example. They get those data from the Internal  
24 Revenue Service. There is just a -- there is a tremendous  
25 amount of data that goes into providing a service like the

17

1 IMPLAN model.

2 Q. And it sounds like there is a mixture of all  
3 sorts of data, survey data, government data; is that  
4 correct?

5 A. Yes.

6 Q. Do you know how frequently they update these  
7 trade flow patterns?

8 A. Every year.

9 Q. Is it fair to describe IMPLAN as a fixed variable  
10 model?

11 A. I think a term that would be more likely used  
12 would be a fixed coefficient model. I've heard it called  
13 that before.

14 Q. Describe that for me just a little bit.

15 A. Well, it is a -- fixed coefficient model means



16 that they have fixed production coefficients, so you don't  
17 have the possibility for increasing or decreasing returns  
18 to scale what economists would call "variable returns."  
19 It's a fixed coefficient.

20 Q. So does it in any way deal with, I guess,  
21 anomalies within particular sectors, or is it kind of a  
22 big picture plan?

23 A. What do you mean by "anomalies"?

24 Q. Where you would have a particular sector that  
25 there would be a traumatic change in a particular year.

18

1 A. If there was a large change. If a mill shuts  
2 down in a given county, that mill will disappear from the  
3 model.

4 Q. But the model itself would still contain, I  
5 suppose, some entry for that particular industry; would  
6 that be correct?

7 A. No. The industry would -- the industry would no  
8 longer be there, and there wouldn't be sales to that  
9 industry.

10 Q. So let me explore from an ag point of view. Do  
11 farmers, do you think, typically purchase the same amount  
12 of seed, fertilizer, chemicals from year-to-year?

13 A. I don't consider myself an expert on agricultural  
14 production. I leave those questions up to Dr. Hamilton.

15 Q. But IMPLAN includes agricultural components -- or  
16 not?

17 A. It does. Unfortunately for this analysis, the  
18 agriculture sectors are very aggregated. They present a  
19 poor picture, I think, of the actual agriculture in the  
20 two regions, which is okay because our analysis didn't use  
21 those agriculture sectors.

22 Our analysis was fundamentally one of estimating  
23 the change in on-farm value added and then the change in a  
24 complex pattern of farm inputs that were purchased from  
25 other sectors as a result of the changes in water use in

19

1 the two states.

2 Q. If IMPLAN includes so many different sectors, how  
3 are those narrow inputs dealt with then? How do you tease  
4 out those narrow on-farm value added items from everything  
5 else -- or do you?

6 A. We estimated the on-farm value added using crop  
7 budgets, and we also came up with a list of the farm  
8 inputs from those crop budgets.

9 So in going from -- for example, in going from  
10 dry farm to irrigated agriculture in Nebraska, for  
11 example, there was a reduction in the need to buy  
12 herbicides. So then we went in the IMPLAN model and we  
13 identified the herbicide sector. And we said, okay, this  
14 sector is going to see so many thousands of dollars --  
15 millions of dollars, perhaps, less in sales.

16 And then the model converts that into value added  
17 add computes the ripple effects.

18 Q. So how did you arrive at a dollar value for that  
19 herbicide?

20 A. That's covered in the first five parts -- I take  
21 that back. It's discussed in the first five parts of our  
22 rebuttal testimony, but that's in our main expert  
23 reports. That was in the earlier part of the study, and  
24 that was conducted mainly by Dr. Hamilton using, again,  
25 the crop budgets and the other methods that he discusses.

20

1 Q. I had asked Dr. Hamilton about -- let's see if I  
2 can find it here -- the root means square error for  
3 regressions as a means of looking at a range of error.

4 Is there a similar sort of tool to evaluate the  
5 accuracy of the model that you employed, the IMPLAN?

6 A. No. As Dr. Hamilton mentioned this morning,  
7 IMPLAN is of a different family of models. There are  
8 certain things that can be looked at with stochastic  
9 models where there is randomness in the model, and you  
10 can -- in forming the models you can come up with  
11 so-called confidence intervals.

12 But then there is a whole family of other models,  
13 input-output being one of them, where you can't really --  
14 you don't judge the accuracy of the model based on  
15 statistical stochastic measures, but rather you judge it  
16 on the reasonableness, the accuracy of the assumption --  
17 the reasonableness.

18 The way you judge an IMPLAN model is you look at

19 the literature on input-output, which goes back decades,  
20 and you see to it that it's built consistent with that  
21 literature.

22 So it's a different kind of model.

23 Q. So its outputs in effect can't be numerically  
24 measured for their accuracy or reliability; is that  
25 correct?

21

1 A. No, I don't think that would be correct.

2 Q. Can you explain that a little further for me?

3 A. People in the -- when you look at the development  
4 of the regional input-output literature, you have the  
5 authors of that literature proposing ways to go about and  
6 estimate -- and it's really about estimating -- secondary  
7 effects.

8 And you have the authors of that literature  
9 discussing new techniques as to how to estimate those  
10 effects, and then other authors will come along, mainly  
11 academics, and they'll criticize the technique. They'll  
12 say, well look, for this reason and that reason logic  
13 would suggest that there is a bias here.

14 And then a correction will be made in that bias,  
15 and that's the way the modeling advances.

16 Q. And if you turn in your report to Page 10, it's  
17 KS1170. Do you have that?

18 A. Yes.

19 Q. Maybe this is what you're referring to.

20 The first full sentence beginning "We also  
21 briefly review accepted protocol for building models."

22 A. Yes.

23 Q. Is that what you were effectively telling me a  
24 moment ago with respect to IMPLAN?

25 A. No. Here -- I would have to say yes and no. But

22

1 here we're mainly getting at the proper region to select  
2 for building a model. That's the protocol I'm referring  
3 to there.

4 Q. And who developed that particular protocol?

5 A. The protocol has evolved through an academic  
6 journal article -- or two court cases and two academic  
7 journal articles.

8 Q. It would be a surprise to hear you say that  
9 courts can determine the economic protocol for modeling?

10 A. I'm not a lawyer, but my understanding of the  
11 protocol is that it developed out of two court cases, and  
12 it has been chronicled in at least two journal articles.

13 Q. So if a court makes the determination of that,  
14 sort of, economic theory, you as an economist will  
15 conclude it must be correct?

16 A. No, I wouldn't say that. But as an economist, I  
17 would take that information and consider it along with  
18 other things in deciding how I was going to do things,  
19 particularly in a legal case such as the present one.

20 Q. But that doesn't necessarily mean it's accepted

21 by the economic community as the right approach just  
22 because a court concludes it worked in those instances,  
23 does it?

24 A. I believe it would be part of the information if  
25 it's a legal -- if it's a legal case. I recall there were

23

1 -- I mentioned two journal articles as well. And there is  
2 a standing -- there is a standing -- there is a standing  
3 way of doing things. It's stated in the IMPLAN model, and  
4 it's stated in papers I've written with my firm where we  
5 build input-output models, and that's what we're getting  
6 at in that sentence you referred me to.

7 Q. I'm just trying to understand the protocol,  
8 because I've never heard any profession say that because a  
9 court accepts it, it must lead to the correct conclusion  
10 no matter what the scientific principle is.

11 A. Well, we based it on -- we based it on the  
12 economic principle, not really the court. I mention  
13 that -- I guess I'd have to say I mention that more in  
14 passing.

15 Q. Well, let me shift you back to the IMPLAN  
16 itself. Does IMPLAN incorporate the optimizing behavior  
17 of individuals when confronted with changes such as  
18 reduced production?

19 A. What would you mean by "optimizing" there?

20 Q. The tendency among people to make changes in  
21 corrections to achieve maximum economic benefit.

22     A. Insofar as if you sell less of your product, you  
23 purchase fewer inputs, yes, it does.

24       MR. BLANKENAU: I'm sorry to have dragged you all  
25 this way for just this amount of time. I think we've

24

1 concluded.

2       MR. DRAPER: Let us take a minute.

3       (Short recess taken.)

4       MR. DRAPER: Okay, we're done.

5       (The deposition concluded at 1:58 p.m.)

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I, MARVIN HENRY ROBISON, PH.D, do hereby certify

I have read the foregoing transcript and that the

and accompanying correction sheets, if any,

constitute a true and complete record of my testimony.

☐ No Changes      ☐ Amendments attached

My commission expires:\_\_\_\_\_

Notary Public

file:///G:/...0ACTION/Discovery/Deposition%20Transcripts/Marvin%20Henry%20Robison/June%202012/ROBISON%206%2026%2012.txt[7/12/2012 3:27:03 PM]



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STATE OF COLORADO )  
 ) ss. REPORTER'S CERTIFICATE  
COUNTY OF LARIMER )  
I, Katherine Richmond, hereby certify that  
I am a Certified Shorthand Reporter and Notary Public  
within and for the State of Colorado; that previous to the  
commencement of the examination, the deponent was duly  
sworn to testify to the truth.  
I further certify that this deposition was  
taken in shorthand by me at the time and place herein set  
forth and was thereafter reduced to typewritten form, and  
that the foregoing constitutes a true and correct  
transcript.  
I further certify that I am not related to,  
employed by, nor of counsel for any of the parties or  
attorneys herein, nor otherwise interested in the result  
of the within action.  
My commission expires December 16, 2015.

---

Katherine Richmond, CSR

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27

1 PATTERSON REPORTING & VIDEO

2170 South Parker Road, Suite 263

2 Denver, Colorado 80231

3 June 27, 2012

4

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5 Montgomery & Andrews, PA

325 Paseo de Peralta

6 Santa Fe, New Mexico 87501

7 Case Name: State of Kansas v. State of Nebraska, et al.

Case No. No. 126, Original

8 Deposition of MARVIN HENRY ROBISON, PH.D

9 The deposition in the above-entitled matter is ready for  
reading and signing. Please attend to this matter by

10 complying with ALL blanks checked below:

11 \_\_\_\_\_ arrange with us at (303) 696-7680 to read and sign  
the deposition in our office

12

OR (if applicable),

13

14 \_\_\_\_\_XX\_ have deponent read your copy; signing attached  
original signature page and any amendment sheets.

15 \_\_\_\_\_ read enclosed deposition, sign attached signature  
page and any amendment sheets.

16

17 \_\_\_\_\_XX\_ within 35 days of the date of this letter

18

\_\_\_\_\_ by \_\_\_\_\_ due to trial date of \_\_\_\_\_

18

19 Please be sure that the original signature page and  
amendment sheets, if any, are SIGNED BEFORE A NOTARY

20 PUBLIC and returned to our office at the above address.

21 If this matter has not been taken care of within said  
period of time, the deposition will be filed unsigned

22 pursuant to the Rules of Civil Procedure.

23 Thank you.

24 Enclosures: (As above noted)

cc: Don Blankenau, Esq.; Scott Steinbrecher, Esq.

25

28

1 PATTERSON REPORTING & VIDEO

2170 South Parker Road, Suite 263

2 Denver, Colorado 80231

3 DON BLANKENAU, ESQ.

Blankenau Wilmoth LLP

4 206 South 13th Street, Suite 1425

Lincoln, Nebraska 68508

5  
Re: State of Kansas v. State of Nebraska, et al.

6  
Dear Mr. Blankenau:

7  
Enclosed is the original deposition of MARVIN HENRY  
8 ROBISON, PH.D

9 \_\_\_\_\_ Signed, no changes

10 \_\_\_\_\_ Signed, with changes, copy attached.

11 \_\_\_\_\_ no signature required.

12 \_\_\_\_\_ Reading and signing not requested pursuant to  
C.R.C.P. Rule 30(e).

13  
\_\_\_\_\_ Signature waived.

14  
\_\_\_\_XX\_ Forwarding original transcript unsigned; signature  
15 page and/or amendments will be forwarded, if  
received.

16  
\_\_\_\_\_ Original exhibits included in ongoing notebook and  
17 will be filed with counsel at conclusion of  
discovery.

18  
\_\_\_\_\_ Via Email

19  
20  
Enclosures: (As above noted)

21  
Cc: John B. Draper, Esq.; Scott Steinbrecher, Esq.

22  
23

24

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